

CITY COUNCIL AGENDA SPECIAL MEETING

SYNOPSIS

JUNE 28, 2006

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
MADISON P. NGUYEN
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

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- Call to Order and Roll Call
1:34 p.m. - Council Chambers, City Hall
Absent Council Members: None.

1.1 City Council action with regard to the Indictment of Mayor Ron Gonzales.

City Attorney Richard Doyle outlined his memorandum dated June 27, 2006, regarding the questions raised by Council Members in response to the Mayor's Indictment and responded to questions.

The Council took the following actions:

- (1) The City Attorney was directed to draft for Council consideration on August 8, 2006, grounds and a set of procedures that meet the constitutional requirements for a hearing of the removal of a Mayor or Council Member, under Charter Section 405;**
- (2) The City Clerk was directed to obtain a copy of the Report and the Transcript of the Civil Grand Jury that issued the indictment and to provide copies to the Council and the Public;**
- (3) The City Attorney was directed to report back on August 15, 2006 about the potential legal action the Council may take to require that Norcal pay back the \$11.25 million dollars; and further,**
- (4) The City Attorney was directed to seek additional resources, if needed, by engaging outside legal counsel to assist with research on constitutional issues.**

Noes: Campos, Nguyen; Gonzales.

1.2 A request that Mayor Gonzales resign immediately.

A majority of the City Council formally requested that Mayor Gonzales resign.
Noes: Nguyen, Williams; Gonzales.

- 1.3 The process by which an interim Mayor will be selected in the event that the Mayor resigns.**

No action taken.

ITEMS 1.4, 1.5 AND 1.6 WERE HEARD TOGETHER:

- 1.4 The removal of the powers and authority of the Office of the Mayor in the event Mayor Gonzales does not resign.**
- 1.5 The City Council's authority to restrict the Mayor's ability to represent the City in the event that Mayor Gonzales does not resign.**
- 1.6 Approval of various budget actions for Fiscal Year 2006-2007 and the Manager's Final Budget Addendum.**

Recommendation: Adoption of the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2006-2007 and the Manager's Final Budget Addendum.

CEQA: Not a Project. (City Manager's Office)

(Continued from 06/27/06 – Item 3.4)

Ordinance No. 27821 adopted. The memorandum from Vice Mayor Chavez, and Council Members Cortese, Campos and Pyle, dated June 28, 2006, was approved, as follows:

In the event it is determined that the City Council is not legally permitted to remove Mayor Ron Gonzales from office or if he chooses not to resign from office, the City Council recommends to reduce the scope, responsibility and visibility of the Mayor's Office until December 31, 2006 to meet minimum compliance with City Charter by approving the following measures:

- (1) Restrict overall appropriation to the Mayor's Office to:**
 - (a) Fund personnel costs at amounts not to exceed current levels as of July 1, 2006, and direct the City Attorney to bring back in August, an amendment to the Council Travel Policy to restrict the Mayor's travel without Council consent.**
 - (b) Restrict non personnel costs to 10% of FY2005-2006 non personnel expenditures until January 2007.**
 - (c) Freeze the number of FTEs according to the current composition.**
 - (d) Hold in reserve proposed Mayor's Office Rebudget and appropriate in January 2007.**
- (2) Make publicly accessible the Mayor's calendar and/or require a procedure whereby phone and meeting logs must be strictly kept and publicly maintained for the Mayor's Office.**

Noes: Chirco, Williams; Gonzales.

- **Public Comments**

The Council heard various opinions from twenty one members of the public.

- **Adjournment**

The Council of the City of San José adjourned at 3:37 p.m.